

Appl. No. : **10/807,643**
Filed : **March 23, 2004**

REMARKS

In the Office Action, Claims 23-24 and 27-61 were rejected over the prior art as discussed below. In this Amendment, Claim 23, 32, 34, 42, 46 and 56 have been amended, no new claims have been added, and Claims 44, 48 and 51 have been canceled. Claims 23-24, 27-43, 45-47, 49-50 and 52-61 remain pending for further consideration.

Rejections Under 35 U.S.C. § 103

Claims 23-24 and 27-61 were rejected in the Office Action under 35 U.S.C. § 103(a) as being obvious over U.S. Patent No. 5,749,890 issued to Shaknovich (Shaknovich).

Shaknovich discloses, among other things, a stent deployment system which may be seen, for example, in Figure 14. A deployment catheter 4 is provided with a balloon 3D having an inflated diameter larger than the opening to the branch vessel. This allows the stent deployment portion of the balloon to carry a stent 6A into the branch vessel. An outer retractable guiding catheter 16 (see column 5 line 61) is also provided.

Each of independent Claims 23, 32, 46 and 56 recite, in various forms, that the branch vessel stent includes at least one or at least two axially extending anchors, which have a sufficient length to extend into and bend and rotate to thereby expandably circumscribe the main vessel wall and reach a portion of the main vessel wall opposing the ostium of the branch vessel in which the stent portion of the prosthesis is deployed. See, for example, Applicants' Figure 7A, which was referenced at the interview.

Shaknovich fails to disclose or suggest this structure. As a consequence, Applicants respectfully request that the outstanding rejections be withdrawn.

With respect to Claim 57, Applicants recite a method of positioning a prosthesis such that a scaffold portion of the prosthesis is within the branch vessel, and "the anchors extend along the wall of the main vessel and all point in an upstream direction". This may also be seen, for example, in Applicants' Figure 7A.

Shaknovich fails to disclose or suggest axially extending anchors which extend along the wall of the main vessel and all point in an upstream direction within the main vessel.

Applicants respectfully submit that the outstanding rejection of Claim 57 in view of Shaknovich should be withdrawn.

Appl. No. : 10/807,643
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Each of the dependent claims in the present application depends either directly or indirectly from one of the five independent claims discussed above. For at least that reason, Applicants respectfully submit that the dependent claims are in condition for allowance and the outstanding rejections in view Shaknovich should be withdrawn.

No Disclaimers or Disavowals

Although the present communication may include alterations to the application or claims, or characterizations of claim scope or referenced art, Applicant is not conceding in this application that previously pending claims are not patentable over the cited references. Rather, any alterations or characterizations are being made to facilitate expeditious prosecution of this application. Applicant reserves the right to pursue at a later date any previously pending or other broader or narrower claims that capture any subject matter supported by the present disclosure, including subject matter found to be specifically disclaimed herein or by any prior prosecution. Accordingly, reviewers of this or any parent, child or related prosecution history shall not reasonably infer that the Applicant has made any disclaimers or disavowals of any subject matter supported by the present application.

CONCLUSION

For the foregoing reasons, it is respectfully submitted that the rejections set forth in the outstanding Office Action are inapplicable to the present claims. Accordingly, issuance of a Notice of Allowance is most earnestly solicited.

The undersigned has made a good faith effort to respond to all of the rejections in the case and to place the claims in condition for immediate allowance. Nevertheless, if any undeveloped issues remain or if any issues require clarification, the Examiner is respectfully requested to call Applicant's attorney, Gerard von Hoffmann to resolve such issue(s) promptly.

Appl. No. : 10/807,643
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Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

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Dated: 8/22/08

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